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Dec 11/15/99  
PATENT

Attorney Docket No.: A-63761-1/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KAYYEM, et al.

Serial No.: 08/873,978

Filed: 12 June 1997

For: ELECTRODES LINKED VIA  
CONDUCTIVE OLIGOMERS  
TO NUCLEIC ACIDS

Examiner: A. MARSCHEL

Group Art Unit: 1634

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231 on 1 November 1999.

Signed: 

Todd V. Leone

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, Gary F. Blackburn, do hereby declare as follows:

1. I am Vice President of Scientific Affairs at Clinical Micro Sensors, Inc., a biotech company located in Pasadena, California. A copy of my most recent Curriculum Vitae is attached hereto as Exhibit A.

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2. I have read and understood the U.S. patent application Serial No. 08/873,978. I have also read and understood the Office Action dated 30 April 1999. I am familiar with the Examiner's position that polystyrene is a conductive oligomer and, thus, Ribi et al. is an anticipatory reference.

3. I disagree with the Examiner's position that polystyrene is a conductive oligomer as defined in the specification. In fact, polystyrene is well known to those of skill in the art to be an electrical insulator (as well as a thermal insulator).

4. As shown in the accompanying exhibits, polystyrene is used as an electrical insulator. For example, Morrison & Boyd (*Organic Chemistry*, 3rd Ed., Allyn and Bacon, Inc. 1973, at pp. 1030-33, a copy of which is attached as Exhibit B hereto) describes polystyrene as an electric insulator:

Consider, for example, styrene. Polymerized alone, it gives a good electric insulator that is molded into parts for radios, television sets, and automobiles.

See p. 1033, third paragraph in section 32.4.

5. Similarly, as shown in Oxtoby & Nachtrieb (*Principles of Modern Chemistry*, 3rd Ed., Saunders College Publishing 1996, at p. 828, a copy of which is attached as Exhibit C hereto) shows that polystyrene is used as insulation (see Table 23-5).

6. Furthermore, as shown in Mazda (*Electronics Engineer's Reference Book*, 5th Ed., Butterworth & Co. 1983, pp. 13/9-13/10, a copy of which is attached as Exhibit C hereto), shows that polystyrene is used as an insulator in plastic-dielectric capacitors. As stated:

In plastic-dielectric capacitors the dielectric consists of thin films of synthetic polymer material. The chief characteristic of plastic-film capacitors is their very high insulation resistance at room temperatures. The main synthetic polymer films used as capacitor dielectrics are: . . . polystyrene.


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See first paragraph of section 13.2.8 on page 13/9 and the first paragraph on page 13/10. Table 13.3 on page 13/10 shows some of the properties of these film materials.

7. In conclusion, polystyrene is well-known to be an electrical insulator, and would not be considered by those of skill in the art to be a "conductive oligomer" as defined in the application.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the making of willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardized the validity of the application or any patent issuing thereon.

Date: 01 November, 1999

  
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Gary F. Blackburn, Ph.D.  
Vice President of Scientific Affairs